IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6291 OF 2005
ALONG WITH
CRIMINAL APPLICATION NO.5794 OF 2005

C.A.6291/05

Sagar Shivaji Renuse. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

C.A.5794/05

Javed Mohommad Shaikh. ... Appplicant.
Versus.
The State of Maharashtra. ... Respopndent.

Shri V.V.Purwant for the Applicants.

Shri R.Y.Mirza, A.P.P.for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 3rd October, 2005.

P.C.:

1 Heard the learned Counsel for the Applicants and the learned A.P.P. for State in both the Applications.

2. The learned Advocate for the Applicants in these applications which arise out of the same offence submitted that the entire prosecution case is doubtful as it is alleged that four days after the incident the Applicant was wearing the blood stained cloth and the other Applicant was carrying weapon with him which was allegedly used in the offence. He submitted that as the evidence against the Applicants is of doubtful nature, the Applicants deserve to be enlarged on bail after

completion of investigation. The learned A.P.P. has invited my attention to the material on record.

3. I have considered the submissions. There are two eye witnesses who have stated that they have seen the Applicants in these applications assaulting the deceased. A perusal of the post-mortem notes shows that there are six large chop wounds. The said wounds are on right temporo-pareito-occipital region, right cheek, posterior to right ear, and right shoulder. The wounds on the head are bone deep with fracture of underlying skull bones and exposure of brain matter and teasing of dura. There is also irregular fracture of right temporo-pareital bones of the size of 8x7 cm. and the bone pieces are adherent to the under surface of scalp and brain matter and dura is directly exposed and ruptured. Apart from the statement of the eye witnesses, the injuries support the prosecution case as regards the assault by more than one person. There is enough material on record to show complicity of the Applicants. No case is made out to enlarge the Applicants on bail.

4. The Applications are rejected.

Judge.